

**STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE**

In the Matter of the Appraiser License of Daniel T. Boris  
License No.: 4000357

**CONSENT ORDER**

TO: Daniel T. Boris  
11212 86th Avenue North, Suite A  
Maple Grove, Minnesota 55369

Temporary Commissioner of Commerce Grace Arnold (Commissioner) has determined as follows:

1. The Commissioner has advised Daniel T. Boris (Respondent) that she is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2020), and other applicable law, based on the following allegations:

- a. Respondent included demographic information related to gender and age in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule (2016) and Minn. Stat. § 82B.195 subd. 3 (1)(vii) (2016).
- b. Respondent was required to comply with the USPAP Standards that existed as of the date that the report was prepared. However, Respondent included references to outdated and/or retired portion from previous versions of USPAP. Failing to adhere to relevant, or current as of the report date, USPAP standards is a violation of USPAP SR 1-1 (a) (2016) and Minn. Stat § 82B.195 subd. 1. (2016).
- c. Respondent cited an opinion of exposure time in the appraisal report. However, the data presented suggests the opinion of exposure time is incorrect, which has a nullifying effect on the opinion provided. Failing to develop and state an opinion of exposure time is a violation of USPAP SR 1-2 (c), 2-2 (a)(v) (2016) and Minn. Stat. § 82B.20 subd. 2 (5) (2016).

- d. Respondent determined the existence/condition of site improvements and structural improvements as of the date of inspection. However, the extraordinary assumption of that said existence or condition was assumed 34 months after the effective date of the appraisal. Failing to cite an extraordinary assumption is a violation of USPAP SR 1-2 (f), 2-1 (c) (2016), and Minn. Stat. § 82B.195 subd. 2 (13) (2016).
- e. Respondent applied adjustments that were not supported with market data and were not reflective of the market reactions to the differences exhibited. Using adjustments to the comparable sales that do not reflect the market's reaction to the differences between the subject property and the comparables is a violation of USPAP SR 1-1 (a) (2016) and Minn. Stat. § 82B.195 subd. 3 (1)(vi) (2016).
- f. Respondent failed analyze the impact on value of assembling two parcels as one property. Failing to analyze the potential impact on value of the parcels being sold separately is a violation of USPAP SR 1-4 (e) (2016) and Minn. Stat. § 82B.20 subd. 2 (7) (2016).
- g. Respondent only used one sale within the sales comparison approach to value, which rendered the result of the sales comparison approach unreliable. Failing to provide a credible sales comparison approach is a violation of USPAP SR 1-4 (a) (2016) and Minn. Stat. § 82B.20 subd. 2 (5) (2016).
- h. Respondent failed to maintain a complete work file in violation of Minn. Stat. § 82B.071 and USPAP Record Keeping Rule (2016) and Minn. Stat. § 82B.071 (2016).

2. Respondent acknowledges that he has been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing. Respondent hereby expressly waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings or has waived that right.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2020) and Minn. R. 1400.5900 (2019).

4. For purposes of Minn. Stat. § 16D.17 (2020), Respondent expressly waives his right to any notice or opportunity for a hearing on any civil penalty imposed by the Commissioner. Further, Minn. Stat. § 16D.17 (2020) allows the Commissioner to file and enforce the civil penalty imposed by this Order as a judgment against Respondent in district court without further notice or additional proceedings.

5. The civil penalty and/or any resulting judgment arising from this Order will be non-dischargeable in any bankruptcy proceeding. See 11 U.S.C. 523 (a)(7) (2020) ("A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt... to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty...").

6. The following Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. Ch. 45 (2020) that:

A. Respondent shall pay a civil penalty in the amount of \$2,000 to the State of Minnesota at the time the Consent to Entry of Order is signed;

B. Respondent shall complete the following corrective education courses offered by the Appraisal Foundation within ninety days of the effective date of this Order;

- 1) Appraiser Self-Protection: Documentation and Record Keeping;
- 2) Missing Explanations; and
- 3) Ethics, Competency and Negligence.

These corrective courses cannot be used for any of Respondent's continuing education requirements.

Respondent must provide proof of completion within thirty days of completing the course work;

C. Respondent shall cease and desist from violating any laws, rules, or orders related to the duties and responsibilities entrusted to the Commissioner under Minnesota Statute Chapters 45 and 82B; and

D. Respondent shall pay all investigative costs in the amount of \$697 pursuant to Minn. Stat.

§ 45.027, subd. 1(8) (2020).

This Order shall be effective upon signature by or on behalf of the Commissioner.

Date: 02/09/2021

GRACE ARNOLD  
Temporary Commissioner



MATTHEW VATTER  
Assistant Commissioner of Enforcement  
Minnesota Department of Commerce  
85 Seventh Place East, Suite 280  
St. Paul, MN 55101  
(651) 539-1600

CONSENT TO ENTRY OF ORDER

The undersigned states that he has read this Consent Order; that the undersigned knows and fully understands its contents and effect; that the undersigned has been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing and expressly waives those rights. Respondent further acknowledges that Respondent has been represented by legal counsel throughout these proceedings or has been advised of the right to be represented by legal counsel, which right Respondent hereby expressly waives; and that Respondent consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

Daniel T. Boris

Date:

2-1-2021

By:

Daniel T. Boris

Signature

STATE OF Minnesota

COUNTY OF Hennepin

Signed or attested before me on February 1, 2021 (Date).

(Notary stamp)



Cynthia L. Vedder  
(Signature of Notary)

My Commission expires:

January 31, 2023